IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 1693 of 2007(B)

AGAINST THE ORDER IN EP NO. 299/2005 IN
OS.118/2003 of PRL.M.C.,ERNAKULAM

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PETITIONER:

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1. GEORGE, AGED 42 YEARS, S/O.CHAKKO,
   VACHANAM AUDIOS AND VIDEOS, S.N.JUNCTION,
   TRIPUNITHURA.

2. MOLY, W/O.GEORGE,
   VACHANAM AUDIOS AND VIDEOS,
   S.N.JUNCTION, TRIPUNITHURA.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR

RESPONDENTS:

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1. VENUGOPAL, AGED 46 YEARS,
   S/O.LATE RAGHAVAN, KANDANKAVIL HOUSE,
   EROOR DESOM, NADAMA VILLAGE, TRIPUNITHURA.

2. MANI, AGED 44 YEARS,
   D/O.LATE RAGHAVAN, KANDANKAVIL HOSUE,
   EROOR DESOM, NADAMA VILLAGE, TRIPUNITHURA.

3. RAJU, AGED 42 YEARS,
   S/O LATE RAGHAVAN, KANDANKAVIL HOUSE,
   EROOR DESOM, NADAMA VILLAGE, TRIPUNITHURA.

4. SUJATHA, AGED 40 YEARS,
   D/O LATE RAGHAVAN, KANDANKAVIL HOUSE,
   EROOR DESOM, NADAMA VILLAGE, TRIPUNITHURA.

5. SHAJI, AGED 38 YEARS,
   S/O LATE RAGHAVAN, KANDANKAVIL HOUSE,
   EROOR DESOM, NADAMA VILLAGE, TRIPUNITHURA.

6. GIRIJA, AGED 36 YEARS,
D/O LATE RAGHAVAN, KANDANKAVIL HOUSE,
EROOR DESOM, NADAMA VILLAGE, TRIPUNITHURA.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.1693 OF 2007

Dated 15th January 2007

J U D G M E N T

Petitioners are judgment debtors in O.S.118/03 on the file of Munsiff court, Ernakulam. Respondents are decree holders. This petition is filed under Article 227 of Constitution of India seeking a writ of mandamus directing Principal Munsiff, Ernakulam not to proceed with attachment of moveables of petitioners in E.P.299/05 and to issue a direction to Principal Munsiff to give a certified copy of order of attachment of moveables in O.S.118/03. So long as the decree is executable, decree holder is entitled to get the moveables of judgment debtor attached in execution of the decree, provided it does not violate the provisions to Section 60 of Code of Civil Procedure. Petitioners have no such case. Hence first relief sought for cannot be granted. If petitioner has applied for a certified copy of the order of attachment in E.P.299/05 as stated and an urgent copy application is filed for

the same Principal Munsiff, Ernakulam to issue certified copy of the order without any delay and at any rate within ten days from the date of receipt of copy of this judgment.

Writ petition is disposed of.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.